(Spl.-H.C.A.S.,C.D.,78-e)

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF BOMBAY AT GOA
APPELLATE SIDE

CRIMINAL WRIT PETITION NO. 31 OF 2004

Office Note, Office Memoranda of Quorum, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Shri S. G. Bhobe, advocate for the petitioner.

Shri A.N.S. Nadkarni, Advocate General with Shri S. N. Sardessai, Public Prosecutor for the respondents.

CORAM : S. A. BOBDE &
N. A. BRITTO, JJ.

DATE : 9th June, 2004

P.C.:

Having heard the matter for sometime, we are of the view that the impugned Order which is purported to be an Order under Section 9 of the Goa Maintenance of Public Order and Safety Act, 1988, (hereinafter referred to as the "said Act"), is not sustainable in view of the fact that there was no previous Order under Section 4 of the said Act. In the circumstances, the impugned Orders dated 23rd February, 2004 and 27th May, 2004,

are hereby quashed and set aside.

2. The District Magistrate is, however, at liberty to proceed against the petitioner in accordance with the provisions of the said Act, by taking appropriate action in accordance with law. All contentions of the parties are kept open.

3. In the meanwhile the petitioner shall execute, within two weeks from today, before the District Magistrate, South Goa, a good behaviour bond, in the sum of Rs.5,000/- (rupees five thousand only), to remain in force during the pendency of the proceedings, if any, and the proceedings if commenced shall be concluded not later than six month from the commencement thereof.

Petition disposed of in the

above terms.

S. A. BOBDE, J.

N. A. BRITTO, J.

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